

REMARKS

I. Status of the claims and amendments to the specification

Claims 6, 7 and 9-11 have been cancelled in the instant amendment. New claims 14-17 have been added and find support in cancelled claims 6, 7, 9 and 10. The specification is amended to reflect an updated priority claim as suggested by the Examiner. In addition, the specification has been amended to comport with M.P.E.P 608.01(V) concerning the use of Trademarks as suggested by the Examiner.

II. The rejection of claims 6, 7 and 9-11 under 35 USC §112, second paragraph, should be withdrawn.

The Examiner rejected claims 6, 7, and 9-11 under 35 USC §112, second paragraph, for assertedly being indefinite and confusing in the recitation of “Mannan-Binding Proteins.” The Examiner further asserted that claim 6 is vague and indefinite in the limitation “inserting....66bp-812 of cDNA from native human Mannan-Binding Proteins,” and in the recitation of “preparing transformants by introducing...vector...into...CHO cells.”

In response, Applicants have canceled claims 6, 7 and 9-11. New claims 14-17 do not recite the term “Human Mannan-Binding Proteins.” Further, the assertedly vague phrase “inserting....66bp-812 of cDNA from native human Mannan-Binding Proteins,” and assertedly confusing phrase “preparing transformants by introducing...vector...into...CHO cells” are not recited in new claims 14-17.

The Examiner suggested replacing the limitation “Recombinant Human Mannan-Binding Proteins (rhMBP)” with “rhMBP.” In response, Applicants submit that new claims 11-14 adhere to this suggestion.

The Examiner asserted that claim 11 is confusing and/or incorrect in the limitation “Proteins...which is.” In response, Applicants point out that claim 11 has been canceled. In view of the amendments to the claims, Applicants respectfully submit that the rejection of claims 6, 7 and 9-11 under 35 USC §112, second paragraph, should be withdrawn.

III. The rejection of claims 6, 7 and 9-11 under 35 USC §102(a), should be withdrawn.

The Examiner rejected claim 11 under 35 USC §102(a) as being anticipated by Ma et al. Notwithstanding Applicant’s disagreement with Examiner’s

position, Applicants have canceled claim 11. Accordingly, the rejection of claim 11 under 35 USC §102(a) is moot.

The Examiner rejected claims 6, 7 and 9-11 under 35 USC §102(a) as being anticipated by Ohtani et al. In response, Applicants point out that the inventor of the instant application, Nobutaka Wakamiya, is a co-author of the cited Ohtani et al reference. Attached for the Examiner's consideration is a Declaration pursuant to 37 CFR §1.132 executed by Dr. Wakamiya. Considering the attached declaration, the inventor's *curriculum vitae* (Exhibit 1), and the English translation of Ohtani, *et al.* (Exhibit 2, indicating Dr. Wakamiya as co-author), and cancellation of claim 11, Applicants submit that the rejections of claims 6, 7 and 9-11 under 35 USC §102(a) as being anticipated by Ohtani et al should be withdrawn.

CONCLUSION

For the foregoing reasons, the Applicant requests that all rejections be withdrawn and the application be allowed.

Respectfully submitted,

MARSHALL, GERSTEIN, & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 474-6300

By:


Eric M. Brusca (Reg. No. 52,664)

Date: April 6, 2005